

## **REMARKS**

### **Notice of Non-Compliant Amendment**

Applicants have provided a copy of all claims and the associated identifier.

Applicant has amended the claims to read on the elected figure.

### **Restriction Requirement**

The Examiner previously applied a restriction requirement to the present application concerning claims 4, 6, and 18-21. These claims are currently withdrawn pending consideration upon finding of an allowable generic claim.

### **Drawings**

The Examiner has objected to the drawings under 37 CFR 1.83(a), stating that the valve described in claims 7 and 8 must be shown. Applicant has amended claims 7-10 to claim a control member (shown at 116) to overcome this objection.

### **Claim Rejections – 35 USC § 102**

The Examiner had previously rejected claims 1, 2, 3, 5 and 13 under 35 USC § 102(b) as being anticipated by EP 0399960 A2 to Salabe. Applicant has amended claim 1 to further define a plurality of projectile deceleration areas in communication with a single transport mechanism for emptying bullets from the deceleration areas. Salabe teaches a plurality of transports, one for each bullet deceleration area in order to recycle the bullet deceleration medium for each deceleration area. All claims dependent should be allowed without amendment. Thus, with the added limitation, Salabe clearly does not anticipate the present invention. Therefore, Applicant argues that claims 1, 2, 3, and 5 are in condition for allowance.

With respect to claim 13, Salabe does not contain each element of the claims.

Salabe shows a single deceleration area, in the form of a berm trap, and a plurality of screw drives to move the deceleration material and the bullets. It does not teach using a screw drive to remove bullets from a plurality of areas. To the contrary, the configuration of Salabe would make this extremely difficult as the deceleration material from the first area would fill the screw drive and prevent subsequent areas from being cleared. Thus, Salabe neither anticipates the invention nor renders it obvious.

### **Claim Rejections – 35 USC § 103**

The Examiner has rejected claims 1, 5, 11, 12, 13, 14, and 17 under 35 USC § 103(a) as being unpatentable over US 5, 535,662 issued to Bateman in view of US 2003/0177895 issued to Lambert. Applicant respectfully submits that the Lambert application and the present application are commonly assigned to Action Target, Inc. Therefore, Lambert does not qualify as prior art. The records of assignment are included in this response. Therefore, claims 1, 11, 12, 13, 14, and 17 are not made obvious and are allowable.

The Examiner has rejected claims 7, 8, 9, 10, 15, and 16 under 35 USC § 103 as being unpatentable over Bateman and Lambert and in further view of US 6,311, 980 issued to Sovine. Since Lambert does not qualify as prior art, the teachings of Sovine do not make the present invention obvious because there is no motive to add a valve to the teachings of Bateman. Bateman teaches that once the momentum of the bullet has been reduced, it is dropped out of an egress. In Sovine, the valve is used to maintain sufficient vacuum pressure in the transport house to pneumatically move bullets. Therefore, Applicant contends that claims 7, 8, 9, 10, 15, and 16 are in condition for allowance.

### **Conclusion**

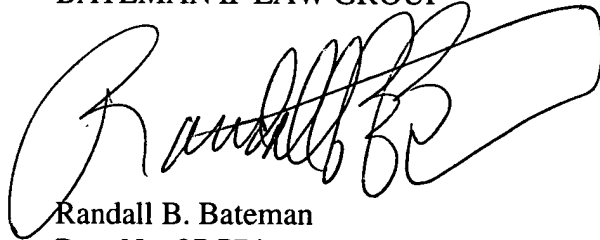
Applicant has submitted amendments and arguments to place the application in condition for allowance.

Should the Examiner determine that adverse action is necessary, it is requested that he contact Applicant's attorney, Randall B. Bateman, at (801) 533-0320 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized during the entire pendency of application to credit any overpayment and debit any amount owing, including fees for extensions of time, to Deposit Account No. 50-2720.

Respectfully Submitted,

**BATEMAN IP LAW GROUP**

A handwritten signature in black ink, appearing to read "Randall B. Bateman", is written over a large, faint, rectangular outline.

Randall B. Bateman  
Reg. No. 37,774

Judge Building, Suite 550  
P.O. Box 1319  
Salt Lake City, Utah 84110

Telephone (801) 533-0320  
Facsimile (801) 533-0323  
E-mail: rbb@utah-ip.com